ORDINANCE NO. 689

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1964, DULY PASSED BY THE CITY COUNCIL ON AUGUST 17, 1964, SO AS TO GIVE THE FOLLOWING DESCRIBED PROPERTY A SPECIAL PERMIT FOR A DAY NURSERY, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND SITUATED IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS AND BEING A PART OF THE McKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 1024 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTH LINE OF KEARNEY STREET (80' R.O.W.), SAID POINT BEING IN THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN A DEED OF TRUST FROM JACK TYNES ET AL TO H. G. HURLBUT, TRUSTEE, SAID DEED OF TRUST BEING RECORDED IN VOLUME 2719, PAGE 357, OF THE DEED OF TRUST RECORDS OF DALLAS COUNTY, TEXAS; THENCE S 89° 59' 30" W, ALONG THE NORTH LINE OF KEARNEY STREET, 1600.00 FEET TO A POINT FOR CORNER; THENCE N 0° 00' 30" W, 300.00 FEET TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 165.56 FEET, AN ARC DISTANCE OF 179.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE FOR CORNER; THENCE N 62° 12' E, 296.46 FEET TO A POINT FOR CORNER; THENCE S 27° 48' E, 321.81 FEET TO A POINT FOR CORNER; THENCE S 89° 59' 30" W, 500.67 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.00 ACRES OF LAND; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS ($200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Plan Commission of the City of Mesquite and the Governing Body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State Laws with reference to granting of zoning changes under the zoning ordinance regulations and Zoning Map, have given the requisite notices by publication and otherwise and, after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the said change of zoning should be granted herein:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of 1964, duly passed by the City Council of the City of Mesquite, Texas, on the 17th day of August, 1964, be, and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to give the following described property a special permit for a day nursery, said property being described as follows:

Being a tract of land situated in the City of Mesquite, Dallas County, Texas and being a part of the McKinney & Williams Survey, Abstract No. 1024 and being more particularly described as follows:

Commencing at a point in the North line of Kearney Street (80' R.O.W.), said point being in the West line of that tract of land described in a Deed of Trust from Jack Tynes et al to H. G. Hurlbut, Trustee, said Deed of Trust being recorded in Volume 2719, Page 357, of the Deed of Trust Records of Dallas County, Texas; thence S 89° 59' 30" W, along the North line of Kearney Street, 1600.00 feet to a point for corner; thence N 0° 00' 30" W, 300.00 feet to the point of Beginning;

Thence Northeasterly along a curve to the right, said curve having a radius of 165.56 feet, an arc distance of 179.76 feet to the point of tangency of said curve for corner;

Thence N 62° 12' E, 296.46 feet to a point for corner;

Thence S 27° 48' E, 321.81 feet to a point for corner;

Thence S 89° 59' 30" W, 500.67 feet to the point of beginning and containing 2.00 acres of land.

SECTION 2. That all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That the above-described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1964.

SECTION 4. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars ($200.00) for each offense.

SECTION 6. Whereas, the above-described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED by the City Council on the 17 day of July, 1967.

APPROVED:

[signature]
MAYOR PRO TEM

ATTEST:

Sue M. Frost
ACTING CITY SECRETARY

APPROVED AS TO FORM:

B. Robert Baker
ATTORNEY